

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:04CV212-MU

ERIC B. HOPE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

DRUG ENFORCEMENT
ADMINISTRATION (DEA), and

CHARLOTTE-MECKLENBURG POLICE
DEPARTMENT,

Defendants.

**CONSENT ORDER
AND JUDGMENT**

THIS MATTER is before the Court on a consent motion signed by plaintiff (who is appearing pro se) and, on behalf of the United States and DEA, by counsel. The case arises out of seizures of currency from plaintiff's person and residence in May of 1998. Plaintiff alleges that notices of administrative forfeiture sent by DEA with regard to this currency were constitutionally defective. On December 13, 2004, this Court dismissed the complaint as to unnamed defendant Joseph A. Burns and granted a motion for summary judgment filed by the Charlotte-Mecklenburg Police Department. At the same time, the Court denied motions to dismiss and for summary judgment filed on behalf of the United States/DEA (hereinafter the "government").


Plaintiff and the government have settled this case pursuant to the government's agreement to return to plaintiff the sum of \$9,397. Although plaintiff alleges that the amount seized was \$10,397, the government states that the amount seized and forfeited administratively was actually \$9,397. The parties have settled for the latter sum.

**DOCUMENT
SCANNED**


Based on the settlement and this order and judgment, plaintiff releases and forever discharges the United States, its officers, agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their officers, agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which plaintiff or his heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, and forfeiture.

IT IS THEREFORE ORDERED:

1. The government shall pay plaintiff the sum of \$9,397 in full settlement of this case.
2. The complaint is dismissed with prejudice.
3. Each party shall bear its own costs, including attorneys fees.

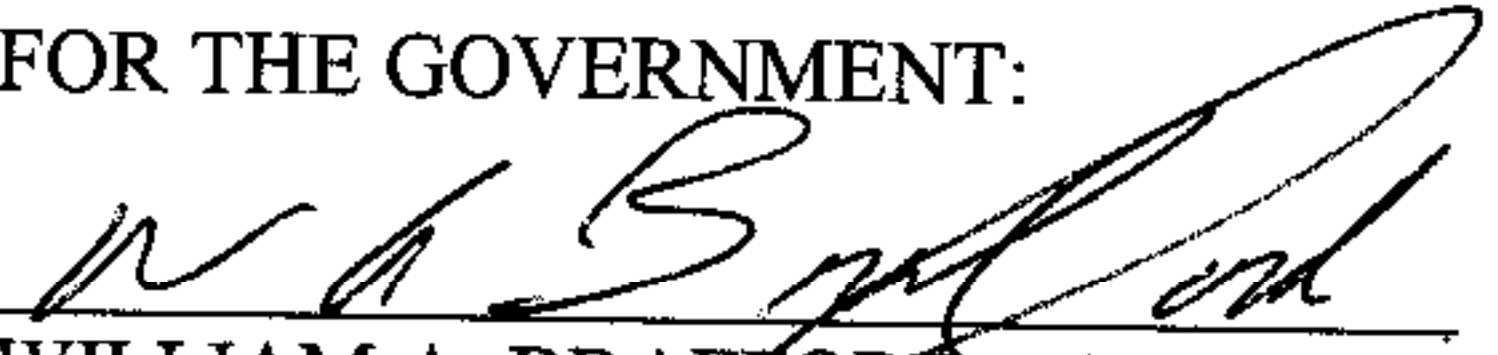
Signed this the 17th day of July, 2005.

GRAHAM C. MULLEN, CHIEF
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:


ERIC B. HOPE
PLAINTIFF (PRO SE)

July 11, 05
DATE

FOR THE GOVERNMENT:


WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY

July 14, 2005
DATE